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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <u>DE 9 2000 0083 US 1</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>02/06/07</u> Signature <u>Anne Vachon Dougherty</u> Via Fax to <u>(571) 273-8300</u> Typed or printed name <u>Anne Vachon Dougherty</u>		Application Number <u>10/024,118</u>	Filed <u>12/19/2001</u>
		First Named Inventor <u>Boehme</u>	
		Art Unit <u>2142</u>	Examiner <u>M.D. Meucci</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,374</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		Signature <u>Anne Vachon Dougherty</u> Typed or printed name <u>ANNE VACHON DOUGHERTY</u> Telephone number <u>(914) 962-5910</u> Date <u>02/06/2007</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The Examiner has rejected Claims 1-2, 5-6, 9-10, 13-14, and 17-18 under 35 USC 102(e) as anticipated by Khan; Claims 1-2, 5, 9-10, 13 and 17-18 as anticipated by Dumbill; and the remaining claims under 35 USC § 103(a) as unpatentable over Khan in view of additionally-cited art.

A computer-based method and program storage device is claimed for providing information between multiple content provider nodes and a user node, with a portal node inbetween. The method comprises a portal node receiving information from multiple content provider nodes, the information having been generated in a markup language using different portlets at each of the content provider nodes; combining the received information using a generic portlet; and sending the combined information to the user.

The term "**portlet**" is described in the Specification on page 3 as a "content-specific application that runs on a portal". A **portlet** is not a portal, but is the application which runs on a portal. Applicants respectfully contend that the Examiner has erred in using the terms "**portal**" and "**portlet**" interchangeably in the Office Action.

The Khan patent teaches a bookmarking system and method for a user to choose to bookmark remote computer locations (e.g., a content provider sites) and for a bookmark server to store information (i.e., URLs) for linking the user to the sites. A customizable bookmark portal page is created for the user at the server. The portal page is not a portlet. The portal page is a page with a list of bookmarks (i.e., hyperlinks) which can be customized by the user and selected by the user for access to the web sites. When a user wants to access a bookmarked site, the user contacts the server, accesses the bookmark portal page, and selects one of the user's bookmark

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entries. The server can also provide the service of scanning the sites listed on the user's bookmark portal page for updates, and push updated content to the user.

The Examiner has concluded that Khan anticipates the claim language since Khan provides a portal page with a list of URLs on a user's bookmark portal page. Khan teaches combining a list of URLs on a portal page. Khan does not teach a **generic portlet** for combining **content** generated by multiple different portlets. Khan doesn't provide a generic **portlet**, rather, Khan provides a **portal** page. Khan doesn't combine content generated by specific portlets at multiple sites, it lists URLs (Col. 1, lines 49-52).

The Examiner cites Khan's teaching that the system uses HTML **OR** another protocol (Col. 6, lines 1-6), which is not the same as a generic portlet for combining content generated by different specific portlets. Further, under Khan when a user accesses a content provider node to request content, the content is delivered directly to the user from the accessed site, not from the bookmark server (Col. 1, lines 34-37 and Col. 12, line 66-Col. 13, line 22). Khan does teach that the bookmark server can push updates; but, in so doing, Khan's server makes "arrangements with web sites to push regular site updates...to users and will relay these updates" (Col. 11, lines 39-47). Khan's server is not using a generic portlet; is not translating or reformatting content, but is merely relaying content; is not combining content from different sites generated with different portlets; and is not sending combined content to a user. Clearly, Khan does not anticipate independent Claims 1 and 17 or the claims that depend therefrom since Khan's **portal** is not a **portlet**.

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With respect to the language of Claims 9-16 and 18, Khan does not teach the steps of generating, within at least one content provider node, user-requested content information in a markup language using a specific portlet; sending the generated information to a portal node for combining with information in the markup language received from other content provider nodes using a generic portlet; and sending the combined information to a user node. Khan merely combines URLs in a list on a portal page and, when pushing content, relays content from a single site without alteration or combining. Again, Khan's combining of URLs into a list on a portal page is not the same as or suggestive of combining content with a generic portlet.

The Examiner has erred in interpreting the Khan **portal page** as synonymous with a **portlet**, and has erred in concluding that Khan anticipates the claims. Anticipation under 35 USC 102 is established only when a single prior art reference discloses each and every element of a claimed invention. See: In re Schreiber, 128 F. 3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). Since Khan does not teach every claim feature, the anticipation rejection cannot be sustained.

The Dumbill reference also does not anticipate the invention. The reference is the author's analysis of Jetspeed, a product for providing a gateway to multiple information resources. Dumbill provides a different definition of the term "portlet" than does the present application. The term "**portlet**", as per page 3 of the Specification, is a "content-specific application that runs on a portal". Dumbill states that "boxes of headlines on the front page are, in fact, the representations of so-called portlets--information chunks imported into Jetspeed"

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(page 2, lines 1-3). Dumbill further teaches that "Jetspeed automatically builds a database of networked resources into portlets" (page 2, lines 3-4); that Jetspeed "defines a portlet API" (page 2, line 6); that a "user is the able (sic) to arrange the available portlets on their home page" (page 3, line 41); and that "[I]f you want to go further than providing a headline feed for your information into the portal, then you need to write your own code for a portlet" (page 5, lines 3-4). Essentially, Dumbill teaches that Jetspeed provides a gateway with a list of portlets (a.k.a., information chunks).

Dumbill does not teach or suggest a portal node receiving content generated by multiple different specific portlets (i.e., content-specific applications) on different content provider nodes, combining content using a generic portlet, and sending combined content to a user. Dumbill suggests a gateway providing list of portlets (page 4, line 31). Listing portlets does not anticipate a generic portlet for combining content generated by different specific portlets. Further, Dumbill states that if a user wants more than a list/headline feed, the user must write their own code for a portlet (page 5, lines 3-4). Clearly Dumbill is not teaching the invention as claimed.

For a patent to anticipate another invention under 35 USC § 102, the patent must clearly teach each and every claimed feature. Khan teaches a **portal** for listing URLs. Dumbill teaches a gateway or **portal** for listing portlets, and refers to portlets as "information chunks". Neither Khan nor Dumbill teaches a portal node between content provider nodes and user nodes for using a generic portlet to combine received information generated by different specific portlets at multiple content providers and for

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sending the combined information to a user node. Accordingly, it cannot be maintained that Khan or Dumbill anticipates each and every claim feature.

In light of the fact that the Examiner has erred in analogizing the terms **portal** and **portlet** and has erred in concluding that the Khan and Dumbill references show each and every feature of the claimed invention, Applicants respectfully request that the rejections based on 35 USC § 102 be withdrawn.

Applicants further assert that the remaining rejections under 35 USC 103 are predicated on the aforementioned erroneous interpretation of the teachings of the Khan patent. Accordingly, Applicants believe that the 103 rejections must also be reconsidered and withdrawn.

Applicants respectfully request withdrawal of the Final Office Action and re-opening of prosecution of the application.